



Dan Skopec
Acting Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 7794

May 26, 2006

Chief Joe Milligan
City of Oxnard Fire Department
251 South "C" Street
Oxnard, CA 93030

Dear Chief Milligan:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of the City of Oxnard Fire Department Certified Unified Program Agency (CUPA) on March 28, 2005. The evaluation consisted of a review of program elements and an in-office program review. The enclosed Unified Program Evaluation Summary of Findings has been completed to document the evaluation findings, which includes examples of outstanding program implementation.

The Evaluation Summary of Findings identified no deficiencies. I have reviewed the enclosed copy of the Evaluation Summary of Findings and I find that the program performance meets or exceeds established standards.

Cal/EPA also noted during this evaluation that the City of Oxnard Fire Department CUPA has worked to bring about a number of outstanding program implementations including a comprehensive enforcement program that is both efficient and effective in obtaining regulatory compliance, which serves to guide the appropriate corrective action to be taken by their regulated businesses. The enforcement program has also incorporated a fully implemented Administrative Enforcement Order (AEO) process. In addition, the CUPA has established and is implementing an outstanding CalARP program that includes several tools developed to minimize off-site consequences in the event of an accidental release of regulated substances. We will be sharing these outstanding implementation examples with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,



Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures

cc: Mr. Steve Mattern, CUPA Program Manager (Sent Via Email)
City of Oxnard Fire Department
251 South "C" Street
Oxnard, CA 93030

John Paine (Sent Via Email)
California Environmental Protection Agency
1001 I Street, 4th Floor
Sacramento, CA 95814

Ms. Loretta Sylve (Sent Via Email)
California Environmental Protection Agency
1001 I Street, 4th Floor
Sacramento, CA 95814

Mr. James Giannopoulos (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Charles McLaughlin (Sent Via Email)
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

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Ms. Vickie Sakamoto (Sent Via Email)
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Moustafa Abou-Taleb (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047



STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY



Dan Skopec
Acting Agency Secretary

Arnold Schwarzenegger
Governor

**CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION SUMMARY OF FINDINGS**

CUPA: City of Oxnard Fire Department

Evaluation Date: March 28, 2005

EVALUATION TEAM

Cal/EPA: John Paine

This Summary of Findings includes examples of outstanding program implementation. Cal/EPA identified no deficiencies during the office visit. Questions or comments can be directed to John Paine at (916) 327-5092.

No deficiencies were noted in this evaluation

CUPA Representative

John Paine
(Print Name)

Original Signed
(Signature)

Evaluation Team Leader

Steve Mattern

Original Signed
(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. Since taken the helm as the CUPA Coordinator for the City of Oxnard, Steve Mattern has shown great leadership by fine-tuning their Unified Program. In close cooperation and coordination with the Ventura County CUPA, Steve has developed and institutionalized several key organization and operational elements that have resulted in a very consistent, efficient, and effective Unified Program. The first step was to solidify the CUPA organization by promoting a Material Expeditor to an Environmental Specialist I, hiring two very experienced individuals as an Environmental Specialist II, filling a CUPA I position and a CUPA II position and filling a key clerical position to support the CUPA organization. Each staff person has been assigned specific duties that capitalize on their strengths, abilities, and knowledge. Both general and specialized inspection forms have been created for each program element and other specific areas, such as ammonia refrigeration systems. The files for regulated businesses were reorganized to clearly segregate all program elements into different color file folders (i.e., blue for USTs, Red for CalARP, Green for BP) so that an inspector or clerical staff could easily search in the specific file folder for the desired program element documents. The CUPA's website has been revamped, making it more accessible and user-friendly to the public and regulated business community. Fully incorporated the plan check process into the Unified Program by linking the existing fire service plan-check process with the Unified Program through the use of a spreadsheet-type of management tool. As described in detail below, the CUPA's enforcement program has been significantly elevated since Mr. Mattern's arrival.
2. The CUPA has a comprehensive enforcement program that is both efficient and effective in obtaining regulatory compliance. The CUPA uses their enforcement program to guide the appropriate action to be taken by their regulated businesses. The CUPA has developed and fully implemented an Administrative Enforcement Order (AEO) process, including an AEO extensive checklist. The enforcement files are well organized and comprehensive. The files include the following documentation for each enforcement action taken by the CUPA: inspection and enforcement checklists, inspection reports, supplemental statements, associated informal enforcement letters, notices to comply, "Notice of Violations, penalty calculation sheets/matrices, referral documents and enforcement orders, which clearly document every step taken by the CUPA. The CUPA has initiated numerous enforcement actions over the past few years. The following cases are examples of such actions:
 - Conway Western Express (UST Case)
 - Violations:
 - Failure to submit Owner/Operator Designation Form
 - Failure to identify Designated Operator by 1/1/05
 - No certification number on Designated Operator Form
 - Failure to complete UST Monitoring Certification
 - False Statements
 - Failure to install automatic line leak detectors on piping system by 11/9/04
 - Notice of potential enforcement actions – 4/4/05
 - NOV Issued 2/14/05

Certified Unified Program Agency (CUPA)
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- Referral to District Attorney 5/2/05
- Order issued by CUPA 6/6/05
- Reyes Auto Repair (Hazardous Waste Case)
 - Inspection 9/15/04
 - Violations:
 - Drums not labeled
 - Drum bungs not in place
 - No weekly inspections performed
 - Oily liquid in secondary containment area
 - Operating without a permit
 - Re-Inspection 10/25/04 (Non-compliant)
 - Administrative Citation Issued 10/25/04 (Failure to renew permit)
 - NOC Issued 10/25/04
 - Re-Inspection 12/1/04
 - Show-Cause Letter issued 12/4/05
 - Referral to District Attorney 5/2/05
 - Judgment 6/30/05
 - Guilty plea
 - \$2,000 fine to CUPA
 - \$500 fine – pay by June 2008
 - \$100 restitution fine - pay by June 2008
 - Payment of outstanding fees, plus late fees
 - Comply with NOV by 9/30/05
 - 3 years probation
- Seabound Produce Distribution (CalARP and HazWaste case)
 - Multi-media compliance inspection 8/19/04
 - Violations:
 - Structural and operational deficiencies with refrigeration system
 - Electrical hazards at propane tank and building structure
 - Blocked exit doors
 - Discharge of hazardous waste to ground surface
 - No CalARP documentation
 - Fire Code Red Tag Issued – Immediately shut down operations
 - Show-Cause Letter issued 3/8/05
 - \$8,000 penalty assessed and collected
- Deardoff-Jackson (Hazardous Materials)
 - Ammonia release
 - Violations:
 - Failure to notify
 - \$2,000 penalty assessed and collected
 - \$700 Emergency Response Cost reimbursement

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

3. The CUPA and other City Departments use of information received from their regulated facilities in a very effective manner. First, all relevant data for all businesses in the City is inputted into a common database shared by all City Departments, an ARCview database. The CUPA then periodically queries to identify existing or potential regulated businesses.
4. The CUPA has established and is implementing an outstanding CalARP program. A pre-screening questionnaire is used to identify potential stationary sources. For Risk Management Plan reviews they have developed two comprehensive checklists used to ensure all aspects of the review process are fully reviewed. RMP completeness review checklists for each program level (1, 2, and 3) are used to ensure that the RMP contains all the required elements. Additionally, RMP review checklists for each program level (1, 2, and 3) are used to guide the CUPA's comprehensive review of the RMP. For all new or modified stationary sources the CUPA developed an excellent certification form that is completed and submitted by the stationary source prior to operating the process. The CalARP records for each stationary source are very complete, including copies of the required public notices and regulated substance registration forms. To address the primary regulated substance handled and most common covered process in the City of Oxnard, which is ammonia and ammonia refrigeration systems, the CUPA has developed a specific inspection checklist that addresses compliance elements for a typical refrigeration system process that uses ammonia. The CUPA's RMP audit process includes an excellent procedure that provided detailed guidance for conducting RMP audits, promoting effective and consistent audits for all stationary sources. The CUPA has also developed and implemented a specific inspection report for the CalARP program. To ensure the safe handling of regulated substances, which posed significant risk for off-site consequences, the CUPA has established a more frequent compliance inspections, inspecting all CalARP stationary sources at least once every two years rather than the mandated once every three years. The CUPA manager uses a CalARP RMP Log Sheet to manage and track critical information and activities. The Log Sheet contains such information as program level, RMP submission date, RMP completion and review status, status of public notices, last inspection date, and regulated substances handled by each stationary source.